

sue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same, and pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authorities of said board."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,  
Austin, Texas, Jan. 10, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 81, A bill to be entitled "An Act protecting State banks and banking institutions doing business in this State in the payment of funds in a joint deposit to the survivor when the deposit is made by one of the depositors in form to be paid to either of them or the survivor; and providing regulations in reference to such deposits; and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

RUSSEK, Chairman.

Committee Room,  
Austin, Texas, Jan. 10, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We your Committee on State Affairs, to whom was referred

S. B. No. 69, A bill to be entitled "An Act to provide for the extension of the term of Oil and Gas Permits Nos. 11652, 11653, 11655, 11680 and 11681 from a period of two years to a period of five years from their respective dates."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

#### FIFTH DAY.

Senate Chamber,  
Austin, Texas,  
Monday, January 14, 1929.  
The Senate met at 10 o'clock a. m., pursuant to adjournment, and was

called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Ilardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Love.	Patton.
Parr.	Wirtz.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Berkeley:

S. B. No. 133, A bill to be entitled "An Act amending Article 1833 and 1836 of the Revised Civil Statutes of 1925, so as to better provide for the salary of clerks of Courts of Civil Appeals; fixing the compensation of such deputies and stenographers; requiring bond to be executed by such stenographers; providing other regulations relating to said subject; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Berkeley:

S. B. No. 134, A bill to be entitled "An Act amending Article 1738 of Chapter 3, Title 37, of the Revised Civil Statutes of 1925 as amended, relating to the transfer of cases in Courts of Civil Appeals, so as to make provision for the clerk or his deputy to accompany the justices of the court to the place to which

cases have been transferred to discharge the duties of his office in connection with such transferred cases; providing for traveling and living expenses of such clerk in so accompanying such justices; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Pollard:

S. B. No. 135, A bill to be entitled "An Act making appropriations to cover deficiencies in appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1927, August 31, 1928, and August 31, 1929, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Pollard:

S. B. No. 136, A bill to be entitled "An Act making appropriation to cover deficiencies in appropriations heretofore made for the support of the Judiciary Department of the State Government of the State of Texas, for the fiscal years ending August 31, 1925, 1926, 1927, and 1928, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Pollard:

S. B. No. 137, A bill to be entitled "An Act to prevent any person from receiving, possessing, owning or having under his control or management in this State any bomb, machine gun, infernal machine designed to destroy human life or cause bodily injury, or any machine or instrumentality containing explosives designed to destroy human life or cause bodily injury and which is not reasonably designed or suitable for any useful purpose; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Holbrook:

S. B. No. 138, A bill to be entitled "An Act authorizing the county judge to employ a stenographer or clerk in any county of less than one hundred thousand inhabitants according to the last United States census, which county contains a city of more than forty-three thousand inhabitants according to said census, said stenographer to be paid by the

county; regulating the salary of such stenographer; providing for his removal; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Holbrook:

S. B. No. 139, A bill to be entitled "An Act to provide an old age relief system for resident citizens over the age of seventy years; providing for the administration of the system through the county commissioners' courts of the various counties in the State and permitting the payment of the old age relief and the expense of the administration from the general revenue of the county of which the applicant is a resident; prescribing the qualifications of an applicant for relief under the Act and permitting the discontinuance of the relief on conviction of an offense or upon evidence of changed status of the beneficiary; and fixing the punishment of any applicant or other person violating any of the provisions of the Act; defining certain terms used in the Act and indentifying the measure as the Old Age Relief Act of the State of Texas."

Read first time and referred to Committee on State Affairs.

By Senator Hardin:

S. B. No. 140, A bill to be entitled "An Act to prevent expending public funds for improvements or construction by day labor costing over \$5,000.00 without estimate, plans and specifications therefor and advertisement for bids and keeping and filing cost accounts and statements, excepting ordinary maintenance and repair work and work made immediately necessary by public calamity, and providing penalty for violation of this Act, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Moore:

S. B. No. 141, A bill to be entitled "An Act to provide the manner of placing names of candidates on official ballots at special elections; making general election laws applicable to special elections except where otherwise provided; determining the order of names on ballots; making provision for the returns of special elections; issuing certificates of elections; making said Act apply only to

special elections; providing the same shall be cumulative of existing laws and making provision for conflicts; and declaring an emergency."

Read first time and referred to Committee on Privileges and Elections.

By Senator Moore:

S. B. No. 142, A bill to be entitled "An Act providing that in all counties where the county attorney performs the duties of the county attorney and district attorney, the county attorney may appoint one or more assistants who need not possess the qualifications provided for county attorneys; providing for the manner of appointment; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Woodul:

S. B. No. 143, A bill to be entitled "An Act to amend the Laws relating to the County Court at Law No. 2 of Harris County, Texas; to amend Sections 2, 4 and 12 of Chapter 8 of the General Laws of the Thirty-fourth Legislature, passed at its First Called Session; to repeal Sections 3, 9, 10, 13 and 16, Chapter 8 of the General Laws of the Thirty-fourth Legislature, passed at its First Called Session; to provide for the exchange of benches; the transfer of cases, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Woodul:

S. B. No. 144, A bill to be entitled "An Act to amend the Laws relating to the County Court at Law of Harris County; to amend Sections 3 and 5, Chapter 8, of the General Laws of the Thirty-third Legislature, passed at its Regular Session; to amend Sections 6 and 12, Chapter 4, of the General Laws of the Thirty-second Legislature, passed at its Regular Session; to repeal Sections 4 and 6, Chapter 8, of said Acts of the Thirty-third Legislature; and to provide for the exchange of benches, the transfer of cases, and the appointment of a court reporter for the County Court at Law of Harris County, Texas; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Woodward:

S. B. No. 145, A bill to be entitled "An Act to repeal Article 6899, Title 121, Chapter 1 of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Woodward:

S. B. No. 146, A bill to be entitled "An Act to amend Section 3 of Chapter 40 of the Fortieth Legislature, and to provide that the Commissioners for the aid and assistance of the Court of Criminal Appeals of Texas shall hold office for a term of six years from their appointment, and providing for the filling of any vacancy, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Martin:

S. B. No. 147, A bill to be entitled "An Act relating to bills of exception in district and county courts; enacting Article 2237a of Chapter 11, Title 42 of the Revised Civil Statutes of 1925, relating to practice in the district and county courts; requiring district and county judges to state the qualification of any bill of exception presented by either party to a suit and place such qualification in the record upon the trial of the case at the time the exception is reserved; enacting provisions designed to require prompt action on the part of the district or county judge in acting on bills of exception presented to him and outlining the procedure in case such judge does not comply with the Statute; providing that this Act shall apply to civil and criminal cases; repealing all laws or parts of laws conflicting herewith, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Martin:

S. B. No. 148, A bill to be entitled "An Act, providing that a prosecution for the unlawful sale or delivery of intoxicating liquor may be had either in the county wherein the sale or delivery is made, or in any county through or into which the intoxicating liquor is carried; providing that in all such cases the indictment or any proceeding in the case may

allege that the offense was committed in the county where the prosecution is carried on; and providing for the manner of proving venue, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Martin:

S. B. No. 149, A bill to be entitled "An Act regulating the placing of names of candidates on the ballot in primary elections of political parties; enacting provisions designed to secure party loyalty before a person shall have his name printed on the ballot in primary elections of political parties as a candidate; providing remedies and penalties to carry out the purpose of this Act, and declaring an emergency."

Read first time and referred to Committee on Privileges and Elections.

By Senator Small:

S. B. No. 150, A bill to be entitled "An Act to confirm and validate all patents and awards issued on lands lying across or partly across or abutting on water courses or navigable streams or the beds or abandoned beds thereof, or parts thereof, and to relinquish, quitclaim and grant to patentees and awardees and their assignees all of such lands, and minerals therein contained, across or abutting on water courses or navigable streams and also the beds or abandoned beds thereof, and minerals therein contained, where such patents or awards have been issued and outstanding for a period of five years from the date thereof and have not been cancelled or forfeited, without impairing the rights of the general public, the state, riparian owners or appropriation owners in the waters of such streams, and providing that with respect to lands sold by the State of Texas expressly reserving title to minerals in the State, such reservation shall not be affected by this Act and that the patentees or awardees and their assignees shall have the same rights, title and interest in the minerals in the beds or abandoned beds of such water courses or navigable streams that they have in the uplands covered by the same patents, and declaring an emergency."

Read first time and referred to

Committee on Public Lands and Land Office.

By Senator Woodward:

S. B. No. 151, A bill to be entitled "An Act to amend Article 1728, Revised Civil Statutes (1925), fixing the jurisdiction of the Supreme Court as amended by the Acts of the Fortieth Legislature, Chapter 144, page 215, so as to eliminate from said Article subdivision 6, giving the Supreme Court jurisdiction of cases in which it is made to appear that an error of substantive law has been committed by a Court of Civil Appeals which affects the judgment in the case; and to amend Article 1855 of the Revised Statutes (1925) so as to require Courts of Civil Appeals to certify to the Supreme Court for its decision any question of law involved in a case of which the Supreme Court can not take jurisdiction by writ of error, and which is important to the jurisdiction of the State, and has not been previously decided by the Supreme Court; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 152, A bill to be entitled "An Act regulating the preparation and contents of statements of facts on appeal, to be numbered Article 2240A of Chapter 11, Title 42, Revised Statutes, relating to practice in district and county courts."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 153, A bill to be entitled "An Act regulating the time for filing motions for rehearing in Courts of Civil Appeals, and petitions to the Supreme Court for writs of error for review of final judgments of Courts of Civil Appeals, prescribing certain requisites for said pleadings; providing that a petition to the Supreme Court for writ of error shall also serve the purpose of a motion for rehearing in the Court of Civil Appeals, and shall invoke a review by said Court of its judgment, defining certain duties of the courts and the clerks thereof, with reference to such proceedings, repealing Articles Nos. 1742, 1877, 1878, 1879, 1880, 1881, 1882 and 1883, Revised Civil Statutes of the State, and all

other laws, and parts of laws in conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 154, A bill to be entitled "An Act amending Article 1831, Title 39, Revised Statutes of the State, prescribing certain duties of Clerks of Courts of Civil Appeals with reference to the filing, recording and preservation of the records and proceedings of said court."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 155, A bill to be entitled "An Act to amend Article 1845, Revised Statutes of 1925, so as to provide that a cause carried to a Court of Civil Appeals by direct appeal or writ of error shall be placed upon the trial docket in the order received, subject to be set for submission without delay, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 156, A bill to be entitled "An Act requiring the parties in civil suits in all the district and county courts to make and file with the clerk of the court originals and copies thereof of all pleadings, motions, bills of exceptions, applications for ancillary writs and special instructions to the jury, judgments, appeal bonds and proceedings for writ of error, agreements, reports and all other papers however designated filed during the progress of the proceedings; requiring the trial court to make and file originals and copies thereof of instructions to the jury and of findings of fact and conclusions of law; requiring the original papers filed with the clerk of the court to be incorporated in the transcript on appeal in lieu of copies; fixing the compensation of the clerk of the court for making and certifying the transcript on appeal; repealing all laws in conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Parrish:

S. B. No. 157, A bill to be entitled "An Act to repeal Sections 14, 15,

16, 17, 18, 19 and 20 of House Bill 23, Chapter 26, General Laws of the Regular Session of the Thirty-ninth Legislature; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Small:

S. B. No. 158, A bill to be entitled "An Act to amend House Bill 52, Chapter 42, of the General and Special Laws passed by the Fortieth Legislature at its Regular Session, which said House Bill 52, Chapter 42, created the Eighty-fourth Judicial District, the amendment extending the said House Bill 52, Chapter 42, in force; and providing that same shall be revised and be extended beyond the time of its expiration, so that it would not expire within the two years from the time that it took effect, as was provided in said Chapter 42; providing that the Eighty-fourth Judicial District shall continue in force to be composed of the counties of Carson, Hutchinson, Hansford, Ochiltree and Hemphill; also providing that the Thirty-first Judicial District shall hereafter comprise only the counties of Roberts, Wheeler, Gray and Lipscomb; prescribing the time for the holding of terms of court in said districts in the various counties comprising same; providing that the judges and district attorneys who are now, or have been elected and holding offices in said districts shall continue to hold the same for the full statutory and constitutional time, in said districts as changed; prescribing the jurisdiction of the district courts in the Thirty-first and Eighty-fourth Judicial Districts; Providing for district attorneys in the two (2) said districts, assisting each other in the performance of their duties; and providing that all cases pending in certain counties of the Eighty-fourth Judicial District Court not in the Thirty-first District shall upon the taking effect of this act be immediately transferred by the clerk of said court to the docket of the district court of the Thirty-first Judicial District; and providing that all cases pending in certain counties in the Thirty-first Judicial District Court, not in the Eighty-fourth District shall upon the taking effect of this act, be immediately transferred by the clerk of said court to the

docket of the district court of the Eighty-fourth Judicial District, and shall thereafter be disposed of by the district court of the respective districts as though such cases had been originally filed therein; and providing that all process and writs issued out of, and all bonds and recognizances made and entered into, and all grand and petit juries drawn before this Act takes effect shall be valid for and returnable to the next succeeding term of the district court in and for the several counties as herein fixed, as though issued and served for such terms in the districts as changed, and all such process, writs, bonds and recognizances taken before, or issued in the various counties affected by this Act shall be as valid as though no change had been made in the two (2) districts or in the time of holding the court therein; enacting the proper provisions relative to the Thirty-first Judicial District in order to conform the same and the law relative thereto to the purposes and provisions of this Act, whether mentioned in detail in the caption or not; making proper provisions for the time of holding courts in various counties in the Thirty-first Judicial District and the Eighty-fourth Judicial District; enacting the necessary provisions incident to the main purposes and subject to the Act; whether mentioned in detail in the caption or not; providing for terms of court in the Eighty-fourth Judicial District, and providing that this Act shall continue in force until otherwise provided by law; and providing that if any district court of the Thirty-first or Eighty-fourth Judicial District be in session in any of the counties when this Act takes effect, the same shall continue and end its term under such existing laws as if no change in time of holding court in said districts had been made; and providing that all process, writs, judgments, decrees and other proceedings in said courts, during such time, shall be valid and shall not be affected by the changes in the times of holding courts therein made; and providing that grand and petit juries may be selected under the direction of the trial judge by the sheriff in either of the said courts herein provided for any term thereof, whenever it appears to the trial judge

that it was not practical for any reason to have had jury commissioners at the preceding term to select such juries or draw same; and providing that no term of court shall fail by reason of the expiration of this Act, but shall continue in effect if in session at a time when the House Bill 52, Chapter 42, expires; and also providing that if the Eighty-fourth District should expire by reason of the time limitation before this Act takes effect, that all cases, both civil and criminal, which had by operation of law been transferred from the Eighty-fourth District to the Thirty-first District, shall be upon the taking effect hereof, transferred back to the said Eighty-fourth District Court by operation of law; and further providing for an appropriation of money from the State Treasury for salaries and expenses of the district judge and district attorney of the Eighty-fourth Judicial District, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Woodward:

S. B. No. 159, A bill to be entitled "An Act, providing that all conservation and reclamation districts organized under the provisions of Chapter 8, Title 128, Revised Civil Statutes of Texas, and/or Chapter 2, Title 128, Revised Civil Statutes of Texas, under the name of Water Improvement Districts, and in the organization of which petitions were signed by more than fifty persons and such petitions were filed in the month of September, 1926; and on which petitioners hearings were held by the county commissioners' courts in the month of October, 1926, and in pursuance of which said Courts entered their orders or judgments finding in favor of the petitioners for the establishment of such districts, and elections were held for the purpose of voting upon the organization of such districts, and the issuance of notes by such districts, such elections being held in the month of November, 1926, and at which elections the organizations of the districts and the issuance of notes received a two-thirds majority of the votes cast and in which elections directors were elected for such Districts, all such proceedings and the organization of such districts

and the orders of the county commissioners' courts organizing such districts and the authorization for the issuance of notes of such districts are hereby ratified, validated, approved and confirmed, and further providing that such districts are validly created and organized and the notes issued by such districts are valid and declared to be legal and are validated, and authorizing such Districts to levy, assess and collect taxes to pay same and to pay cost of assessing and collecting same and other expenses of such districts and declaring such districts to be Conservation and Reclamation Districts under the provisions of Chapter 8, Title 128, Revised Civil Statutes of Texas, and under the provisions of Chapter 2, Title 128, Revised Civil Statutes of Texas, and under the provisions of Section 59, of Article 16, of the Constitution of the State of Texas, and providing such districts may, if they so elect, in accordance with the provisions of law, be converted into Water Control and Improvement Districts, and declaring the boundaries of said districts to have been properly and legally established and that all orders made by the boards of directors of such districts eliminating and taking land out of such districts, to have been properly and legally made, and validating and declaring valid the boundaries thereof, and providing that all such districts may incur indebtedness to fully carry out each and all of the purposes of their organization when authorized by a majority of the votes cast at an election held for that purpose, and may levy taxes for the payment of their debts and obligations and the maintenance and operation of such districts, and providing that the orders of the boards of directors of such districts that elections be held in such districts to authorize the issuance of bonds and the levy of taxes in payment therefor, and the notices of election posted and published, and the elections held and the returns made and the orders of the board of directors declaring the results thereof, are declared to be proper and legal proceedings in accordance with the provisions of the laws of the State of Texas for the issuance of such bonds, and are validated and confirmed, and that the elections

held in pursuance of said orders in the event a majority of those voting at such elections voted in favor of the issuance of such bonds and the levy of such taxes, are validated and confirmed, that the directors of such districts are authorized to make all proper and necessary orders for the issuance of such bonds and sale of such bonds and the levy, assessment and collection of taxes sufficient to pay the interest thereon and the principal thereon as same matures, and the expenses of assessing and collecting such taxes, and for the maintenance and operation of such districts. Providing generally for the validation of all such districts and the validation of all notes issued by such districts and the validation of all bonds issued by such districts."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Parrish:

S. B. No. 160, A bill to be entitled "An Act to amend Article 74 and 75 of Chapter 3, Title 4, of the Revised Civil Statutes of 1925, so as to qualify the kind of pink bollworms that may be declared to be a menace; providing the conditions under which the pink bollworms are to be found; providing compensation for all losses incurred or expenses sustained by all persons, firms or corporations required to comply with the provisions of Chapter 3, Title 4, of the Revised Civil Statutes of 1925; and enlarging the powers of the Compensation Claim Board; providing for State ownership of fumigation and sterilization plants; limiting the time of present restrictions and regulations on areas; and declaring an emergency."

Read first time and referred to Committee on Agriculture.

By Senator Westbrook:

S. B. No. 161, A bill to be entitled "An Act amending Article 6814, Title 117, of the Revised Civil Statutes of the State of Texas of 1925, being an Act fixing the salary of the Commissioner of the Bureau of Labor Statistics, his assistants, deputies and inspectors.

Read first time and referred to Committee on Labor.

**Senators Excused.**

On motion of Senator McFarlane, Senator Love was excused for the day, on account of business.

On motion of Senator Holbrook, Senator Wirtz was excused for today, on account of business.

On motion of Senator Beck, Senator Patton was excused for the day, on account of the illness of his wife.

On motion of Senator Gainer, Senator Parr was excused for the day, on account of business.

**Senate Bill No. 75 Re-referred.**

The Chair, with the consent of the chairman of the Committee on State Affairs, withdrew S. B. No. 75 from that committee and re-referred it to the Committee on Public Health.

**Public Hearing Announced.**

Senator Neal gave notice that a public hearing on Senate Bills Nos. 113, 99, and 21 would be held Thursday night, at 8:00 o'clock, by the Committee on Educational Affairs, in the Committee room.

**Simple Resolution No. 27.**

Senator Moore sent up the following resolution:

Whereas, Senator Gus Russek is an authority on insurance, and

Whereas, His knowledge of the insurance business is necessary to the proper consideration of bills now before and to be before the Senate Committee on Insurance; therefore, be it

Resolved, That Senator Gus Russek be added to the Committee on Insurance in the Senate.

MOORE, Chairman.

HOLBROOK, Vice Chairman.

The resolution was read and adopted.

**Senate Joint Resolution No. 8.**

Senator Moore sent up the following resolution:

S. J. R. No. 8, Proposing an amendment to the State Constitution so as to authorize the submission to the people of constitutional amendments at Special Sessions of the Legislature as well as at Biennial Sessions thereof.

Read first time and referred to Committee on Constitutional Amendments.

**Senate Joint Resolution No. 9.**

Senator Moore sent up the following resolution:

S. J. R. No. 9, A joint resolution proposing an amendment to the Constitution of the State of Texas fixing the compensation of the Governor.

Read first time and referred to Committee on Constitutional Amendments.

**Senate Joint Resolution No. 10.**

Senator Woodul sent up the following resolution:

S. J. R. No. 10, Proposing to amend Article 3 of the Constitution of the State of Texas by adding to Section 48 thereof a provision authorizing the levying of taxes for highway purposes and by adding to Section 49 of said article a provision enabling the Legislature to provide for the extension of the credit of the State for the purpose of the construction and maintenance of a system of highways and reimbursing outlays and assuming obligations, made by counties and defined road districts of the State therefor.

Read first time and referred to Committee on Constitutional Amendments.

**Simple Resolution No. 28.**

Senator Woodul sent up the following resolution:

Whereas, This morning about 1 o'clock death claimed Mrs. Willie Hobby, beloved wife of former Governor William P. Hobby, and

Whereas, The Senate of Texas desires to pay its respects to the memory of Mrs. Hobby; therefore, be it

Resolved by the Senate, That we extend our heartfelt sympathy to Governor Hobby and that when we adjourn today that it be in respect to Mrs. Hobby; and be it further

Resolved, That a copy of this resolution be mailed to Governor Hobby.

Woodul, Neal, Russek, Beck, Stevenson, Greer, Woodward, McFarlane, Berkeley, Moore, Cunningham, DeBerry, Holbrook, Westbrook, Hornsby, Parrish, Thomason, Pollard.

The resolution was read and unanimously adopted by a rising vote.

**Simple Resolution No. 29.**

Senator Woodul sent up the following resolution:

Whereas, There is a large number



of bills now on the calendar for consideration, and a great number yet to be introduced, and

Whereas, The Governor has intimated that he will call a Special Session for the purpose of passing appropriation bills; therefore, be it

Resolved, That it is the sense of the Senate that this body devote none of its time during this Regular Session to the consideration of appropriation bills other than those dealing with strictly emergency appropriations.

Woodul, Moore, Small, Greer, Parrish, Stevenson, Neal, Holbrook, McFarlane, Williamson, DeBerry, Beck.

Read and referred to the Committee on Rules.

#### Simple Resolution No. 30.

Senator Martin sent up the following resolution:

Be it Resolved by the Senate of Texas of the Forty-first Legislature, That the name of Senator Greer be added to the Committee on Congressional Districts.

MARTIN, Chairman.

The resolution was read and adopted.

#### Senate Concurrent Resolution No. 4.

Senator Moore moved that S. C. R. No. 4 be laid on the table, subject to call.

The roll call was as follows:

#### Yeas—13.

DeBerry.	Moore.
Greer.	Pollard.
Hardin.	Russek.
Hyer.	Thomason.
Martin.	Westbrook.
McFarlane.	Williamson.
Miller.	

#### Nays—13.

Beck.	Parrish.
Berkeley.	Small.
Cunningham.	Stevenson.
Gainer.	Witt.
Holbrook.	Woodul.
Hornsby.	Woodward.
Neal.	

#### Absent—Excused.

Love.	Patton.
Parr.	Wirtz.

Lieutenant Governor—Yea.

The Chairman announced 13 yeas and 13 nays, and the Lieutenant Governor voted yea, and the motion was carried.

#### Motion to Postpone Indefinitely Consideration of Appropriation Measures During the Regular Session.

Senator Woodul moved to postpone indefinitely further consideration of appropriation measures during the Regular Session.

#### Sunday Does Not Satisfy Twenty-four-Hour Rule.

The Chair ruled that Sunday did not satisfy the requirements of the rule requiring bills to lie on the desks of the Senators 24 hours and that all bills laid on the Senators' desks on Sunday must lie over until Tuesday morning to satisfy the 24-hour rule.

Under this ruling, consideration of appropriation bills was not in order today. Consequently, Senator Woodul's motion to postpone indefinitely during the Regular Session the consideration of these bills was postponed until Tuesday, and was made pending business after the morning call.

#### Senate Bill No. 60.

Senator Woodul received unanimous consent to take up, out of its regular order, the following bill:

S. B. No. 60, A bill to be entitled "An Act to amend Article 6954 of the Revised Civil Statutes of Texas, 1925, Chapter 6, Title 121, with reference to the mode of preventing horses, and certain other animals from running at large in the counties named, so as to include the counties of Brazoria, Texas; Galveston, Texas; and Harris, Texas; and declaring an emergency."

The bill was read second time, and the committee report, carrying amendments, was adopted.

Senator Holbrook sent up the following amendments:

#### Amendment No. 1.

Amend S. B. No. 60 by adding in line 6, page 2, of the bill, after the word "Real," the word "Refugio."

The amendment was read and adopted.

#### Amendment No. 2.

Amend S. B. No. 60 by adding in the caption on line 11, after the word "Harris," the word "Refugio."

The amendment was read and adopted.

**Amendment No. 3.**

Amend S. B. No. 60 by striking out in line 20 of the bill, on page 1, the word "Brazoria."

The amendment was read and adopted.

**Amendment No. 4.**

Amend S. B. No. 60 by striking out in the caption of the bill on line 11, page 1, the word "Brazoria."

The amendment was read and adopted.

The bill as amended was passed to engrossment.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 60 was placed on its third reading and final passage by the following vote:

**Yeas—26.**

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

**Absent—Excused.**

Love.	Patton.
Parr.	Wirtz.

The bill was read third time and passed finally by the following vote:

**Yeas—26.**

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

**Absent—Excused.**

Love.	Patton.
Parr.	Wirtz.

**Adjournment.**

On motion of Senator Woodward, the Senate, at 11:40 o'clock a. m., adjourned until 10:00 o'clock Tuesday morning.

**APPENDIX.****Petitions and Memorials.**

Treasury Department,  
Internal Revenue Service,  
Austin, Texas, Jan. 11, 1929.

Honorable Barry Miller, President of the Senate, Capitol.

My Dear Governor Miller:

Realizing that both your good self and the members of the Senate (on account of your official duties) may require extensions of time for filing your 1928 income tax returns, I am taking the liberty of advising you and each member of the Senate that I will be more than glad to grant extensions of time of from thirty to sixty days so as to provide sufficient time for you gentlemen to file your income tax returns due in this office March 15th. I want to assure you and each of the members of the Senate that it will be a personal pleasure for me to do this as I am anxious to extend every assistance to you.

With kindest personal regards, I am

Sincerely yours,  
JAMES W. BASS,  
Collector.

**Committee Reports.**

Committee Room,  
Austin, Texas, Jan. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 93, A bill to be entitled "An Act to amend Article 2889A, Revised Statutes 1925, relating to certification of teachers in the public free schools; repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,  
Austin, Texas, Jan. 11, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 128, A bill to be entitled "An Act relating to the duties of the county board of trustees of public schools of this State, in all counties having an area of not more than one thousand seventy-five (1075) square miles and not less than nine hundred thirty (930) square miles, and a population of not less than thirty-four thousand three hundred (34,300) and not more than thirty-four thousand five hundred (34,500), according to the 1920 Federal census, authorizing them to condemn land for school purposes; to subdivide their respective counties into convenient school districts; to increase or reduce the area of independent and common school districts; create additional districts; consolidate two or more adjacent districts; subdivide any districts; revise or re-arrange the boundaries of any district; attach territory thereto or detach territory therefrom and to adjust the district properties and bonded indebtedness against such districts and detached or added territory upon a just and equitable basis, providing a method of apportioning school funds to the respective districts and providing for the election of the county board of school trustees; providing other matters and things necessary and incidental to the main purpose and subject to this Act, whether mentioned in detail in this caption or not; and repealing all laws, general or special, in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,  
Austin, Texas, Jan. 11, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 98, A bill to be entitled "An Act to require all persons who

teach in the public schools to be American citizens."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendment:

#### Committee Amendment.

Amend the bill so that it reads as follows: "An Act to require all persons who teach in the public schools to be citizens of the United States."

NEAL, Chairman.

### SIXTH DAY.

Senate Chamber,  
Austin, Texas.

Tuesday, January 15, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Love. Patton.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Hyer.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)